

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIONTAE JOHAN DUNCAN,
Plaintiff,
v.
CHCF WARDEN, et al.,
Defendants.

No. 2:24-cv-0775-TLN-CKD P

ORDER

Plaintiff, a former state prisoner, proceeds pro se and in forma pauperis with this civil rights action under 42 U.S.C. § 1983. On October 3, 2025, defendants filed a motion to compel plaintiff's attendance at his deposition and for sanctions. (ECF No. 38.) Plaintiff has failed to file a timely response to the motion to compel. It further appears that plaintiff has failed to keep the court apprised of his current address of record. It is plaintiff's responsibility to keep the court apprised of his current address. Pursuant to Local Rule 182(f), service of documents at a party's address of record is fully effective.

Local Rule 230(l) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion...." Id. Local Rule 110 provides that failure to comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Id. Plaintiff is hereby cautioned that failure to comply

with the Local Rules may result in a recommendation that the action be dismissed.

In addition, Rule 41(b) of the Federal Rules of Civil Procedure provides:

Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule--except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19--operates as an adjudication on the merits.

Id.

With these admonitions in place, plaintiff is granted 21 days from the date of this order to file an opposition or statement of non-opposition to defendants' motion to compel deposition and for sanctions.

Good cause appearing, IT IS ORDERED as follows:

1. Within 21 days from the date of this order, plaintiff shall file an opposition, if any, to defendants' motion to compel deposition and for sanctions; defendants may file a reply within 14 days of any opposition filed by plaintiff.
2. Plaintiff is cautioned that failure to file an opposition to the pending motion or otherwise respond to this order will be deemed as plaintiff's consent to have the motion granted. In addition, plaintiff is cautioned that failure to comply with this court's orders or the applicable rules may result in dismissal of the case pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.
3. The December 29, 2025 deadline for pretrial dispositive motions is VACATED.

Dated: November 18, 2025


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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